

### **REMARKS**

Claims 1-15 are pending in the application and are rejected.

In paragraph 3 on page 2 of the Office Action, claims 1, 2, 4, 9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo et al. (6,275,829) in view of Watanabe et al.(6,578,072).

In paragraph 18 on page 5 of the Office Action, claims 3, 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo and Watanabe, in view of Tomat et al. (6,784,925).

In paragraph 31 on page 7 of the Office Action, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, Watanabe and Tomat, in view of Motoyama (US Publication 2001/0054063).

In paragraph 35 on page 8 of the Office Action, claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, Watanabe and Tomat in view of Uchiyama (6,731,341).

In paragraph 39 on page 9 of the Office Action, claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo and Watanabe, in view of "Official Notice".

The Examiner in paragraph 4 of the Official Action states that the Angiulo teaches the "substantially" the invention and then proceeds to acknowledge in paragraph 5 that Angiulo does not explicitly teach that the icon contains information allowing access and information unique to a particular user. In order to render a claim obvious each and every claim limitation must be shown. The Examiner then relies on Watanabe as providing the missing limitation. The present invention provides for an efficient way of sharing digital images among selected individuals and allowing selective access. This is accomplished by the creation of an icon that includes information allowing access to a particular digital media file that has the icon associated therewith with respect to an identified third party. The prior art fails to teach applicants inventions as set forth in the independent claims.

As previously argued, Angiulo fails to teach or suggest at least a device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having said icon associated therewith over a communication

network by a third party as required by Applicants' claims 1 and 11. As admitted by the Office Action, Angiulo "does not teach that the icon contains information allowing access and information unique to a particular user." Rather, Angiulo discloses creating a thumbnail sized image that represents a reduced size of an original (larger) image. The thumbnail sized image can be inserted into a Web page providing a hyperlink associated to the original image. At best, the thumbnail image of Angiulo contains information to a particular (i.e., original) image, not information unique to a particular user as claimed by applicants. *See* Col. 7, lines 28-39.

Wantanabe fails to remedy the deficiencies of Angiulo as Wantanabe also fails to teach or suggest at least a device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party. Rather, Wantanabe discloses that thumbnail images 25 are "low resolution images . . . having a lower resolution than that of the original image data." *See* Col. 6, lines 4-8. A plurality of thumbnail images 25 can be registered into groups (Register Group A, B) by a system and network albums 26a-c can be formed therefrom. *See* Col. 7, lines 1-67; Fig 3. At best, Wantanabe discloses that a serial number can be associated with each thumbnail image 25 and an image ID 29 maps the thumbnail image 25 to the network album. *See* Col. 7, lines 60-67; Figs. 4. The album can be associated with more than one user. This is in contrast to the present invention where the electronic icon is associated with a particular user.

Furthermore, to access an album, the user must input a user ID and user password at a browser. *See* Col 8, lines 37-47; Fig 6. In sharp contrast, in Applicants' invention, the electronic icon contains information unique to a particular user including information allowing access with respect to a particular digital media file by a third party. Thus, the thumbnail image 25 of Wantanabe is not an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party as required by Applicants' independent claims.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third applied prior art reference to

Tomat and Motoyama, is moot, inasmuch as the combination of Angiulo, Wantanabe, Tomat and Motoyama still lack any teaching, disclosure, or suggestion concerning a device for creating an electronic icon containing information unique to a particular user as previously discussed.

Therefore, in view of the above remarks, Applicants' independent claims 1 and 11 are patentable over the cited references. Because claims 2-10 and 12-14 depend from claims 1 and 11 respectively, Applicants respectfully submit that claims 2-10 and 12-14 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,



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